

Appl. No. : 10/804,520
Filed : March 19, 2004

REMARKS

Restriction Requirement

In the Restriction Requirement mailed August 11, 2005, the Examiner identified four inventions (I-IV). For each of the four Examiner-identified inventions, the Examiner identified five layers (A-B; a-c; i-ii; (1)-(3); and AA-CC) of species classifications. In total, there are 432 combinations possible for the inventions and the species identified by the Examiner. The Examiner has stated that there are no claims generic to each of the layers of the species classification.

Applicant's Response

Applicant respectfully disagrees with the Examiner with respect to at least the statements that there are no generic claims for each of the layers of the Examiner-identified species. Some non-limiting examples of generic nature of some of the claims are discussed below. Applicant therefore respectfully requests withdrawal or modification of the Restriction Requirement for reasons stated herein. However, because Applicant is required to include an election, Applicant makes the following provisional election with traverse pursuant to 37 CFR 1.143.

Provisional Election

Pursuant to 37 CFR 1.143, **Applicant provisionally elects the following combination with traverse: I, A, b, ii, (3), AA.**

Canceled Claims

Applicant provisionally cancels Claims 18-88 without prejudice or disclaimer in accordance with the foregoing Provisional Election.

Withdrawn Claims

Applicant provisionally withdraws Claims 9, 11, and 12 without prejudice or disclaimer in accordance with the foregoing Provisional Election.

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Examples of Generic Nature of At Least Some of the Claims

Applicant notes that Claims 1, 18, 39, 41, and 68 can be generic with respect to *at least* the species identified as i-ii, (1)-(3), and/or AA-CC. That is, the apparatus or method of the foregoing claims can be implemented in cylindrical, toroidal, and/or other configurations. The apparatus or method of the foregoing claims can also be implemented using Z-pinch, theta-pinch, combination of Z-pinch and theta-pinch, and/or other magnetic field confinement techniques. The apparatus or method of the foregoing claims can also be implemented so as to generate neutrons, power, x-rays, and/or other forms of energy.

Applicant further notes that the x-ray generator of Claim 57 can also be implemented to embody various features with respect to the operating geometry, magnetic confinement, and/or output.

Comments on the Species Identified as A-B and a-c

The Examiner appears to identify species A-B and a-c based on various limitations of the independent claims. The species A-B and a-c do not appear to provide any appropriate division beyond those provided by the Examiner-identified inventions I-IV (other than, perhaps, dividing the invention I into a, b, and c (Claims 1, 68, and 18, respectively)). In general, the species A-B and a-c unnecessarily increase the number of species combinations that Applicant would have to pursue separately.

Comments on the Inventions Identified as I-IV

Applicant does not necessarily agree with the Examiner's characterization of the identified inventions I-IV. In particular, Applicant does not necessarily agree with items 2 to 5 under the "DETAILED ACTION" section of the Restriction Requirement.

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CONCLUSION

For the foregoing reasons, Applicant respectfully requests that the current Restriction Requirement be either withdrawn or modified. Should there be any issues that could be resolved by a telephone call, the Examiner is respectfully requested to call the undersigned at the telephone number shown below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

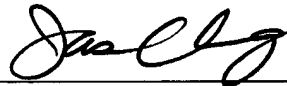
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

10-11-05

By: _____



James W. Chang
Registration No. 52,718
Agent of Record
Customer No. 20,995
(951) 781-9231

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